

### **REMARKS**

The Assignee has carefully considered the Office action dated September 23, 2010. By way of this response, claims 1, 15, and 26 have been amended. All claims are fully supported. No new matter has been added. The Assignee respectfully traverses the rejections. All pending claims are in condition for allowance. Favorable reconsideration of this application and allowance thereof are respectfully requested.

#### **I. Provisional Request for Examiner Interview**

The Assignee thanks Examiner Shivers for her comments on the Assignee's previously submitted remarks. In response, the Assignee provides the following further clarifying remarks distinguishing claim 1 from the combination of Sibbitt et al. and Jepsen. If the Examiner elects to maintain the rejection, the Assignee kindly requests that an Examiner Interview be granted to the undersigned attorney to discuss the art and work toward an efficient allowance of this application.

#### **II. The Rejections under 35 USC § 103**

##### **A. Independent Claim 1**

In the Office action, independent claim 1 was rejected under 35 USC § 103 as unpatentable over Sibbitt et al. (US Patent 5,065,392) in view of Jepsen (US Patent 6,366,581). The Assignee traverses this rejection. Independent claim 1 recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area in which the first variable communication paths automatically reroute from a first set of switches of the first local access and transport area to a second set of switches of the first local access and transport area while maintaining the at least one logical circuit. The combination of Sibbitt et al. and Jepsen does not teach or suggest such a method.

As previously established, Sibbitt et al. do not teach or suggest at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area. *Office Action dated April 27, 2010, p. 4, ¶ 1.*

Jepsen does not teach or suggest at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area in which the first variable communication paths automatically reroute from a first set of switches of the first local access and transport area to a second set of switches of the first local access and transport area while maintaining the at least one logical circuit. Jepsen describes a virtual path of a physical link as having multiple virtual channels and bandwidths (*Jepsen*, 4:28-37). However, the virtual paths (and their virtual channels) described by Jepsen are connected using a fixed set of switches, not switches that vary while maintaining a logical circuit.

Jepsen describes the use of fixed switches to establish point-to-point connections. *Jepsen*, 4:38-6:40. In particular, Jepsen describes that “two physical links are connected through a switch by connecting the node of a first physical link on one side of a switch to a node of the second physical link on the other side of the switch.” *Id.*, 4:39-43. Thus, by connecting two physical links through a switch, connections are made of “the virtual paths and virtual channels at both sides of the switch.” *Id.*, 4:50. In Jepsen, a switch remains statically assigned to its connection.

To establish a connection between two physical links at a single switch, Jepsen describes a graphical user interface. *Id.*, FIG. 3 and 4:51-6:40. Although multiple switches may be used to form an entire circuit in Jepsen, the graphical user interface of Jepsen is used to configure one switch (and, thus, one connection between two physical links) at a time. *Id.*, 4:54-57 (“The interface shown in FIG. 3 requests various parameters, and, with these parameters, the method and apparatus creates the virtual connection.”).

In Jepsen, a virtual connection is a single connection at a single switch between two physical links. Jepsen describes that during a setup of a virtual connection, a user provides an “Office Equipment Number... denoting the physical piece of interface hardware which will handle the connection at the From and To sides.” *Id.*, 5:36-39. Thus, according to Jepsen, the physical piece of interface hardware (or the switch) is statically defined to make a connection between two physical links. If the process is repeated to use a second switch to make another connection with another physical link, that second switch is also statically defined using the same process via the graphical user interface of Jepsen’s FIG. 3. Thus, Jepsen does not teach or suggest that virtual paths are rerouted from a first set of switches to a second set of switches while maintaining a logical circuit.

Accordingly, Jepsen does not teach or suggest at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area in which the first variable communication paths automatically reroute from a first set of switches of the first local access and transport area to a second set of switches of the first local access and transport area while maintaining the at least one logical circuit. Thus, independent claim 1 and all claims dependent thereon are in condition for allowance.

#### **B. Independent Claim 15**

Independent claim 15 is in condition for allowance. Independent claim 15 recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area in which the first variable communication paths automatically reroute from a first set of switches of the first local access and transport area to a second set of switches of the first local access and transport area while maintaining the at least one logical circuit. The combination of Sibbitt et al. and Jepsen does not teach or suggest such a system. Accordingly, independent claim 15 and all claims dependent thereon are in condition for allowance.

### **C. Independent Claim 26**

Independent claim 26 is in condition for allowance. Independent claim 26 recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area in which the first variable communication paths automatically reroute from a first set of switches of the first local access and transport area to a second set of switches of the first local access and transport area while maintaining the at least one logical circuit. The combination of Sibbitt et al. and Jepsen does not teach or suggest such a method. Accordingly, independent claim 26 and all claims dependent thereon are in condition for allowance.

### **I. Conclusion**

In view of the foregoing, the Assignee respectfully submits that this application is in condition for allowance and requests an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

In general, the Office action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Assignee will not address such statements at the present time. However, the Assignee expressly reserves the right to challenge such statements in the future should the need arise (e.g., if any such statement should become relevant by appearing in a rejection of any current or future claim).

The Commissioner is authorized to charge any deficiency in the submitted payment toward payment of any fee due for the filing of this paper to deposit account number 50-2455.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the Assignee requests that the Commissioner consider this paper to be a petition for an appropriate

extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

**Correspondence Address:**

AT&T Legal Department  
Attn: Patent Docketing  
USPTO Customer Number 83417  
One AT&T Way  
Room 2A-207  
Bedminster, NJ 07921  
Phone: 404.927.2780

Respectfully submitted,

By: **/Felipe Hernandez/**  
Felipe Hernandez  
Registration No.: 61,971  
Hanley, Flight & Zimmerman, LLC  
312.580.1020

**February 22, 2011**